

# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

375R0401

## HOUSE BILL NO. 1132

Introduced by: Representatives Cutler, Engels, Krebs, Schlekeway, Solberg, and Thompson  
and Senators Dempster, Abdallah, Heidepriem, Knudson, and Nesselhuf

1 FOR AN ACT ENTITLED, An Act to provide for the referral and placement of certain  
2 individuals in need of intervention.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 27A-10 be amended by adding thereto a NEW SECTION to read  
5 as follows:

6 If any law enforcement officer has probable cause to believe that a person requires  
7 emergency nonmedical intervention pursuant to § 27A-10-1, as an alternative to apprehension  
8 and transfer to an appropriate regional facility pursuant to § 27A-10-3, the officer may refer the  
9 person to the direct supervision of a qualified mental health professional member of a mobile  
10 crisis team or to a crisis intervention team certified law enforcement officer. If the qualified  
11 mental health professional member or the crisis intervention team certified law enforcement  
12 officer accepts direct supervision of the person, in writing, the member or officer may:

13 (1) Resolve the intervention on a voluntary basis, either at the person's home or with the  
14 assistance of any public or private community service that the patient is willing to  
15 accept. The qualified mental health professional member or the crisis intervention



team certified law enforcement officer may request the assistance of law enforcement for the voluntary transfer of the person; or

(2) Direct that the law enforcement officer proceed with the apprehension of the person and transport the person to either:

(a) An appropriate regional facility for an emergency intervention and a mental illness examination as provided in § 27A-10-6; or

(b) An approved treatment facility offering detoxication services for chemical dependency emergencies as provided in §§ 34-20A-55 and 34-20A-56.

Section 2. That chapter 27A-10 be amended by adding thereto a NEW SECTION to read as follows:

The provisions of section 1 of this Act do not limit the law enforcement officer's discretion in arresting a person for a criminal offense. However, the law enforcement officer shall give priority to placing a severely mentally ill person who has also committed a misdemeanor offense in a mental health facility and a person intoxicated or incapacitated by the effects of alcohol or drugs, as defined by § 34-20A-2, who has also committed a misdemeanor offense in a detoxification facility.

Section 3. That chapter 27A-10 be amended by adding thereto a NEW SECTION to read as follows:

Terms used in this Act mean:

(1) "Crisis intervention team certified law enforcement officer," any law enforcement officer who has undergone a comprehensive training program in crisis intervention techniques involving persons who are mentally ill or have substance abuse issue and has received certification as a crisis intervention officer by the officer's department;

(2) "Qualified mental health professional member of a mobile crisis team," any person

1           who holds a competency-based endorsement as a qualified mental health professional  
2           as defined in § 27A-1-3 and who has been designated as a member of the team by the  
3           chair of the county board of mental illness.

4       Section 4. That chapter 27A-10 be amended by adding thereto a NEW SECTION to read  
5 as follows:

6       Any law enforcement officer or authority, who in good faith transferred direct supervision  
7 of a person to a qualified mental health professional member of a mobile crisis team or a crisis  
8 intervention team certified law enforcement officer, is immune from any civil liability for such  
9 referral. Any qualified mental health professional member of a mobile crisis team or a crisis  
10 intervention team certified law enforcement officer, whose actions, in the supervision,  
11 examination, or placement of a person in compliance with this Act, are taken in good faith, are  
12 immune from any civil liability for the referral, supervision, examination, transfer, or placement  
13 of the person. The immunity from civil liability under this Act does not apply if injury results  
14 from gross negligence or willful or wanton misconduct. Any law enforcement officer or  
15 authority who acts in compliance with subsection (2)(b) of section 1 of this Act and  
16 § 34-20A-57 is not criminally or civilly liable for the officer's or authority's actions.